Frances Strible-hill Widow. } Appellant. *Henry Brett*, Esq; *Richard Brett* Gent. } Respondents.

THE Appellant humbly hopes the Order of Dismission will be set aside, and that her Case will be thought a proper Case to be relieved in by the Lords in Parliament, for that it plainly appears as far as the Nature of the thing will admit, that the Lease against which She seeks relief, was made for Brocage in procuring the Marriage between Mr. *Thynne* and the Lady *Ogle*, from the following Circumstances fully proved in the said Cause in the Court of *Chancery*.

1. The consideration in the said Lease is 3650 *l.* mentioned to be paid by Mr. *Brett* to Mr. *Thynne*, for which it is fully proved a Note was given by Mr. *Brett* at the Execution of the said Lease, and afterwards delivered up without payment of one farthing of Money, or any other Valuable Consideration, which shews that the real Consideration of the said Lease was somewhat that would not bear the light, and wanted some such false pretended Colourable Consideration to support it.

2. Its fully proved in the said Cause, that Mr. *Thynne* having applied himself to Mrs. *Potter* for her assistance in procuring the said Marriage, was advised that Mr. *Brett* was capable of doing him more effectual service in that matter, and that pursuant to that advice, he applied himself to the said Mr. *Brett*, and had a Private Conference with him for that Purpose.

3. It appears that Mr. *Brett* after such Private Treaty with Mr. *Thynne*, was very instrumental in promoting the said Marriage, and that the Marriage was Celebrated in his the said Mr. *Brett's* House.

4. It appears that the first Lease was made not many days before the said Marriage, and after the same was agreed.

5. It appears that the first Lease was delivered up just before Mr. *Brett* was to be examined in the *Spiritual Court*, touching what reward he had for promoting the said Marriage to enable him to answer such Examination without Prejudice, and presently after such his Examination, the new Lease was made to him of the same Premises without any alteration.

6. It appears that upon the view of Mr. *Thynne*'s dead Body, when it lay in *Channell-Row*, Mr. *Brett* expressed his sorrow for having been concerned in procuring the said Marriage, and declared he would not be concerned any further, nor would take the reward which he was to have for the same.

From which Circumstances (since no other Consideration appears, nor can it be imagined that a Lease of Lands of 550 *l. per Annum* was granted without any Considerations.) It's conceived it plainly appears that the Lease was made for Brocage in procuring the said Marriage, especially since 'tis Sworn by Mr. Serjeant *Keene* (that made the said Lease,) that he apprehended and believed 'twas made upon that Consideration.

As to the Verdicts insisted on, its Humbly Conceived that the Appellant ought not to be concluded thereby.

1. For that the Issues directed were not proper to satisfie the doubt which the Court of *Chancery* conceived upon the hearing the Cause, and therefore the Verdicts obtained upon such Issues were not, nor can (as its Conceived) be a just foundation for dismissing the Appellants Bill. The Issues being to try the Consideration of the last Lease, whether the last Lease was made in Consideration of Mr. *Brett's* having used his endeavours to procure the said Marriage, which Issue must be against the Appellant, although the first Lease were made upon that Consideration, if there was any other Consideration or ground of granting the Second Lease, which 'tis plain beyond contradiction there was, And that the delivering up the first Lease for the purposes aforesaid, was at least part of the Consideration of making the Second.

And although the Appellants Counsel were so far surprized as to admit of the Issues without making such Objections thereto as might be proper, yet its humbly hop'd she ought not for that reason to be concluded in a Court of Conscience.

2. If the said Issues had been never so proper, yet it is humbly hop'd that the Appellant shall not be concluded by the said Verdicts, for that the Judges declared themselves not satisfied with the first Verdict, and the Respondents gave no new evidence upon the second Tryal, and the Appellants Proof was stronger than upon the former Tryal.

From whence it is humbly inferred, that if the first Tryal was not a sufficient ground to dismiss the Appellants Bill, as not being warranted in the Opinion of the Judges by the Evidence given at the Tryal, the second that was obtained upon the same Evidence on the part of the Respondents, (and much stronger Evidence on the part of the Appellant) cannot be so.

And therefore although the Courts of Westminster *Hall thought it not fit to give any further relief after two Verdicts, yet its hoped there will not be the same reason for the Lords in Parliament to be concluded by two Verdicts if they shall be satisfied that the same cannot be justified by the Evidence and Nature of the Case.*

J. Brockett.